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THE HONORABLE JOHN C. COUGHENOUR

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

WASHINGTON TOXICS COALITION;) Civ. No. C04-1998C
NORTHWEST COALITION FOR)
ALTERNATIVES TO PESTICIDES;)
NATIONAL WILDLIFE FEDERATION;)
DEFENDERS OF WILDLIFE; NATURAL) DECLARATION OF PATTI GOLDMAN
RESOURCES DEFENSE COUNCIL;)
CENTER FOR BIOLOGICAL DIVERSITY;)
PACIFIC COAST FEDERATION OF)
FISHERMEN'S ASSOCIATIONS;)
INSTITUTE FOR FISHERIES RESOURCES;)
and HELPING OUR PENINSULA'S)
ENVIRONMENT,)

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF)
INTERIOR; UNITED STATES)
DEPARTMENT OF FISH AND WILDLIFE)
SERVICE; UNITED STATES)
DEPARTMENT OF COMMERCE; and)
NATIONAL MARINE FISHERIES)
SERVICE,)

Defendants,

1)
and)
2)
CROPLIFE AMERICA, WASHINGTON)
3 FRIENDS OF FARMS AND FORESTS,)
WASHINGTON STATE POTATO)
4 COMMISSION, NATIONAL POTATO)
COUNCIL, WASHINGTON STATE FARM)
5 BUREAU, IDAHO FARM BUREAU)
FEDERATION OF WHEAT GROWERS,)
6 WASHINGTON GOLF COURSE)
SUPERINTENDENTS ASSOCIATION, HOP)
7 GROWERS OF WASHINGTON, AND)
WASHINGTON STATE HORTICULTURAL)
8 ASSOCIATION,)
9 Defendant-Intervenors.)
10)

11 I, Patti Goldman, hereby declare as follows:

12 I am lead counsel in the above-captioned case. I am also lead counsel in Washington
13 Toxics Coalition v. EPA, No. C01-132C (W.D. Wash.).

14 I am attaching as Exhibit 1 a Letter from Arthur-Jean B. Williams, Chief, Environmental
15 Field Branch, EPA's Office of Pesticide Programs, to Don R. Knowles, Director, NMFS Office
16 or Protected Resources (Nov. 28, 2000). Ms. Williams submitted this letter to the Court in
17 Washington Toxics Coalition v. EPA, No. C01-132C (W.D. Wash.), as an attachment to a
18 declaration dated March 21, 2002.

19 I am attaching as Exhibit 2 a letter that I emailed and sent to James Maysonett on March
20 22, 2005. The letter documents discussions that Mr. Maysonett regarding the administrative
21 record in this case. I composed the letter from contemporaneous notes of telephone
22 conversations and it accurately presents my recollection and notes of the conversations.

23 I am attaching as Exhibit 3 Mr. Maysonett's March 29, 2005 letter responding to my
24
25

1 March 22, 2005 letter.

2 I am attaching as Exhibit 4 the index of, and correspondence related to, the administrative
3 record filed in Defenders of Wildlife v. Norton, No. 04-1230 (GK) (D.D.C.), a case that
4 challenges a regulation authorizing the Forest Service and Bureau of Land Management to
5 engage in self-consultations on projects proceeding under the national fire plan. The regulations
6 at issue in that and the instant case are analogous in that they mark the first instances in which
7 the Services have delegated authority to action agencies to engage in self-consultations. The
8 index in Defenders of Wildlife omits four volumes of the record. However, it still identifies
9 approximately 500-600 records consisting of internal drafts, notes, edits, comments, and emails
10 pertaining to the development of the rule. I have submitted this index to illustrate the types of
11 documents typically included in an administrative record that are lacking from the record
12 submitted in this case.

13 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
14 and correct.

15 Executed in Seattle, Washington, on this 1st day of April 2005.

16
17
18 /s/ Patti Goldman
PATTI GOLDMAN